

**Minutes from the CPC Meeting of 1/29/04, 7:30 pm - 10:45 pm, Town Hall**

Attending: Andy Magee, Catherine Coleman, Susan Mitchell-Hardt, Walter Foster, Peter Berry, Peter Grover, Mimi Herington, Chris Schaffner, Erin Bettez, Matt Lundberg, Roland Bartl

Absent: Alison Gallagher

Audience: Anne Forbes, Maya Spies, Bill Mullin, Dick O'Brien, Nancy Tavernier David Brusie, John Ryder, Jonathan Chinitz, Gim Hom, Deborah Simes

**1. Discussion Re: Communication Flow/Open Meeting Law**

The CPC sent questions to applicants and applicants were responding to all at the same time. The committee needs to be careful of violating the Open Meeting Law. Peter Berry read the selectmen's policies on emails which are taken from the Middlesex D.A, Open Meeting Law. It covers deliberations of any quorum of a committee.

- One may call anyone to get all necessary information provided that information isn't shared and there is no deliberation.
- It's ok for a quorum of a committee to give printed questions and have the applicant answer if there is not discussion.
- If a quorum of a committee asks questions of an applicant; the applicant may answer the questions; there must be no discussion.
- If a quorum of a committee emails questions to an applicant, the applicant may respond; again there must be no discussion or it's a violation of the Open Meeting Law.

The point of this is to caution committee members - to have them send email questions to the contact person for the applicant only - do not cc other CPC members; the contact person will forward copies being sent to the other members; the contact person will forward the questions to the applicant and will receive the response, without copies being sent to the other members; the contact person will send the email questions and answers to Roland only; Town staff will print out the emails and make copies for each member to be distributed at the next meeting.

Walter commented that everyone's on email. There is a BoS shell - citizens can contact them and get five independent email answers, which is ok. Walter said that he gives answers to email questions as a public service. It's his answer as an individual selectmen.

Any deliberations among board members is not appropriate. Exchanging a few facts is ok. Email has a tendency to be forwarded. Not everyone knows it's happening. Also people say things in an email they would never say in public; it's not a good way to discuss important issues. Deliberation with public input is the spirit of the law.

**Public Comments:**

- Nancy Tavernier clarified that it's ok for non-members to lobby committee as a whole by email and send a message to an individual committee member.
- Andy replied to the lobbying question that it's an interesting point. The language in the guidelines states that email is for scheduling meetings only.
- Deborah Simes of Concord Rd. stated that an organization with which she is affiliated does a list serve for dates, times, etc. and what transpires over email - they do hard copies for everyone and for the attendees.

**2. Old Business**

Approval of Minutes for 12/8/04 and 1/8/04

Susan incorporated Roland's edits into the minutes of 12/18. Andy has some additional comments which he read to the committee; he will send them to Susan. The minutes of 12/18 were approved with Andy's proposed changes.

The minutes of 1/8/04 were approved. Susan will send the CPC and the Town clerk the amended minutes.

### **3. Review of Spreadsheets (Roland Bartl; Andy Magee)/Ranking of Proposals**

Process discussion:

- Walter stated he went through the spread sheet and structured it in the manner which he considered most prudent. He asked to share his thought processes as a starting point.
- Walter took Andy's spreadsheet and used the number of \$470,991 as the sum of the taxes collected and the 100% state match which the state bases on the full amount taxable under the CPA, not on the amount collected.

Roland projected a spread sheet on a screen and typed in everyone's proposed funding number for each spending category including Administrative Costs and Reserve Fund for open space.

ACTION: He will email the committee the results of the spread sheet.

Project details:

The committee needs to reach at least 10% in the three categories.

#### **Walter**

- Walter proposed funding the Cultural Resource List up to \$20,000.
  - He proposed funding the Davis Monument at \$45,000 as he felt the \$50,000 request was not solid.
  - Walter proposed fully funding the flag at \$5,600.
  - Walter proposed fully funding the historic district signs at \$8285.
  - Walter proposed funding the Morrison Farm Master Plan at \$56,000 rather than \$59,800 as he felt much work had all ready been done by the Conway School of Landscape Design students.
  - Walter proposed not funding the Bendig barn.
  - Walter proposed reducing the ACHC Central/Willow Feasibility study from \$25,000 to \$12,500 under the assumption that the other \$12,500 could come from the New View fund.
  - He also proposed reducing the Community Housing Fund from \$75,000 to \$20,000 because it could be combined with the New View fund.
  - He proposed fully funding the Family Housing Initiative - it leverages the grant from Mr Sweeney of \$300,000.
  - Walter proposed fully funding the ARRT over two years. \$140,000:\$30,000
- The proposal would come back to the committee for consideration next year. The committee won't lose anything from the federal reimbursement.
- Roland commented that he felt that strategy would work.
- Walter proposed to defer funding on the EAV Green plan. The plan lacked strong detail; first a vision for the entire area should be developed through the Morrison Farm Master Plan; also the East Acton Village rezoning issues need to be dealt with first.
  - Walter proposed to defer the funding for the Morrison Farm Recreation Fields in response to feedback from the community, the Master Plan needs to come first.
  - Walter proposed funding Leary Field at \$129,250 bonded over 5 years.
  - Walter proposed funding the T.J. O'Grady Skateboard park at \$70,000 this year and to put the bowl off until next year. Once the park is in the ground, the skateboard committee will be in a better position to ask businesses to contribute and to give corporate sponsorships, and the they can try again to get the town of Boxborough to fund the bowl. (They raised \$2000 since they submitted the proposal)
  - Walter proposed to put \$250,000 (actual figure on spread sheet of \$227,821) in the Reserve Fund for open space. It gives gravitas to put money aside.

- Walter proposed \$10,000 for Administrative Costs.

#### **Mimi**

- Mimi proposed funding the Davis Monument the full \$50,000 (full funding is \$59,800).
- She proposed setting aside 25% for the Reserve Account - \$250,000 (\$211,265 on spread sheet).
- Mimi looked at the four CP categories, and felt there is a mandate for purchasing open space - that it was a large part of what voters wanted to do.
- She proposed fully funding the Morrison Farm Master Plan at \$50,000 (full funding is \$59,800).
- She proposed funding the ARRT at \$100,000
- She proposed funding the EAV Green at \$50,000. She feels that other monies could be raised locally; materials could be downgraded
- She proposed funding the ACHC Community Housing fund at \$0.
- She proposed funding the Central/Willow Feasibility study at \$25,000,
- She proposed funding the AHA Family Housing Initiative at \$200,000.
- She proposed fully funding the flag at \$5,600.
- She proposed funding the Historic District signs at \$8000.
- Mimi proposed funding the Skateboard park at \$60,000.
- She proposed funding Leary Field for \$129,500 bonded over 5 years.

#### **Chris**

He proposed fully funding the ARRT at \$170,000.  
 He proposed fully funding Central/Willow at \$25,000  
 He proposed fully funding the Cultural Resource List at \$20,000.  
 He proposed not funding the Community Housing Fund - He doesn't believe in giving a blank check to other groups. Adding more 40B's could turn people off to the CPA.  
 He proposed fully funding the Davis Monument at \$50,000.  
 He proposed fully funding the EAV Green as it's an important project. The EAV Plan was adopted by the Planning Board and they hope the EAV zoning articles will pass at spring Town Meeting.  
 He proposed fully funding the Family Housing Initiative, \$200,000 - it will fulfill some long term goals of the town.  
 He proposed funding the flag at \$5,600.  
 Chris proposed fully funding the Historic District signs at \$8285.  
 He proposed fully funding the Morrison Farm Master Plan at \$59,800  
 He proposed not to fund Leary field; it's a large commitment of money and the idea came at the last minute.  
 He proposed not funding T.J. O'Grady Skatepark  
 He proposed not funding the Bendig's barn proposal  
 He proposed creating an Administrative Fund of \$45,000  
 This would leave \$291,571 in the Reserve Fund

#### **Erin**

Erin proposed fully funding the ARRT at \$170,000  
 She proposed funding the Community Housing Fund at \$25,000. They have a good track record.  
 She proposed fully funding the Cultural Resource list, \$20,000.  
 She proposed funding the Davis Monument up to \$50,000.  
 She proposed funding the EAV Green at \$50,000 - to capitalize on their momentum.  
 She proposed fully funding the Family Housing Initiative at \$200,000.  
 She proposed fully funding the Historic District signs though she expressed concern that there may be too many signs - too chaotic. (\$8285).  
 She proposed not funding the Leary Field proposal as it's not in the spirit of the CPA.  
 She proposed fully funding the Morrison Farm feasibility study at \$59,800.  
 She proposed not funding the barn  
 She proposed funding the skateboard park with \$70,000 the first year.  
 She proposed creating an Administrative Fund of \$45,000.  
 This leaves \$216,571 in the reserve fund.

**Andy**

He proposed fully funding the ARRT at \$170,000  
He proposed funding Willow/Central at \$12,500.  
He proposed funding the Community Housing Fund at \$30,000  
He proposed fully funding the Cultural Resource list at \$20,000.  
He proposed funding the Davis Monument at \$35,000  
He proposed deferring funding of the EAV Green; it's important to get the results of the Morrison Farm Master Plan first.  
He proposed fully funding the Family Housing Initiative at \$200,000.  
He proposed fully funding the flag preservation at \$5,600  
He proposed fully funding the Historic District signs at \$8285.  
He proposed funding the Leary Field proposal at \$129,000 bonded over 5 years.  
He proposed fully funding the Morrison Farm Master Plan at \$59,800.  
He proposed funding the skateboard park with \$80,000 the first year and would ask them not to return for additional funding.  
Andy proposed not funding the Morrison Farm Fields  
He proposed creating an Administrative Fund of \$20,000.  
He proposes putting \$200,000 in the Reserve Fund.

Andy observed that if the CPC funds Leary Field, it will have spent half of the Recreation Budget in the next five years.  
Erin commented that funding Leary Field doesn't address the town's needs - the town still needs more fields.  
Andy replied if we fund two field projects, we can't do more recreation. If we funded two field projects, we would have to cut out affordable housing or open space.

**Catherine**

Catherine proposed fully funding the ARRT over two years; \$100,000 now and \$70,000 next year.  
She proposed funding the ACHC Willow/Central at \$12,500. She would be interested in having the New View Account put up the other half.  
She proposed funding the ACHC Community Housing fund at \$25,000;  
She proposed fully funding the Cultural Resource list at \$20,000.  
She proposed funding the Davis Monument at \$35,000  
She proposed not funding the EAV Green. She is not convinced that clearing the area and trying to attract people there, etc. is necessarily a good idea. The Master Plan for the Morrison Farm needs to be completed before considering funding.  
She proposed fully funding the Family Housing Initiative at \$200,000.  
She proposed fully funding the flag preservation at \$5,600.  
She proposed fully funding the Historic District signs at \$8,285.  
She struggles with Leary Field. She proposed funding the Leary Field proposal at \$129,000 bonded over 5 years.  
She proposed fully funding the Morrison Farm Master Plan.  
She proposed not funding the Bendig's barn proposal.  
She proposed fully funding the skateboard park as requested at \$67,000 this year.  
She proposed creating an Administrative Fund of \$10,000.  
She proposed putting \$247,400 (\$272, 821 on the spread sheet) in the Reserve Fund.

**Peter Grover**

He proposed fully funding the ARRT at \$170,000  
He proposed funding Willow/Central at \$20,000 .  
He proposed funding the Community Housing Fund at \$60,000  
He proposed funding the Cultural Resource list at \$15,000.  
He proposed deferring funding the Davis Monument until next year.  
He proposed deferring funding of the EAV Green; it's important to get the results of the Morrison Farm Master Plan first. He would consider \$30,000 next year.  
He proposed fully funding the Family Housing Initiative at \$200,000.

He proposed fully funding the flag preservation at \$5,600  
He proposed fully funding the Historic District signs at \$8285.  
He proposed not funding Leary Field - it's too great an outlay.  
He proposed fully funding the Morrison Farm Master Plan  
He proposed not funding the Bendig's barn proposal.  
He proposed funding the skateboard park with \$30,000.  
He proposed creating an Administrative Fund of (\$295,572 in the spread sheet)  
- he would like to see the Reserve Fund used for large, significant purchases  
such as the Robbins Mill Pond Land.

**Peter Berry**

He proposed fully funding the ARRT at \$170,000, as it's fully vetted.  
He proposed funding Willow/Central at \$25,000.  
He proposed funding the Community Housing Fund at \$25,000. (He would like to see the proposals which come out of Community Housing Fund).  
He proposed funding the Cultural Resource list at \$20,000.  
He proposed fully funding the Davis Monument at \$50,000.  
He proposed deferring funding of the EAV Green; it's important to get the results of the Morrison Farm Master Plan first.  
He proposed fully funding the Family Housing Initiative at \$200,000.  
He proposed fully funding the flag preservation at \$5,600  
He proposed fully funding the Historic District signs at \$8285.  
He proposed not funding Leary Field - there are too many political issues; he doesn't see a seniors using it; he's concerned re: politics; people without kids in the schools will not buy in; he's concerned that this will be viewed as another override for the school which serves no benefit to others. He has a sense that this is a great project, but there are too many issues; the numbers are large, bonding is an issue. He recommends, come back next year.  
He proposed fully funding the Morrison Farm Master Plan before tackling the field issue  
He proposed not funding the Bendig's barn proposal.  
He proposed funding the skateboard park with \$67,000.  
He proposed creating a Reserve Fund for \$269,571.  
He proposed creating an Administrative Fund of \$45,000 - to help out with administering the CPA and the fact that the CPA pays for projects, and the town maintains them.

**Matt Lundberg**

He proposed fully funding the ARRT at \$170,000.  
He proposed funding Willow/Central at \$25,000 .  
He proposed funding the ACHC Community Housing Fund at \$10,000. (He would like to see the proposals which come out of Community Housing Fund).  
He proposed funding the Cultural Resource list at \$20,000.  
He proposed deferring the Davis Monument until next year.  
He proposed not funding of the EAV Green.  
He proposed fully funding the Family Housing Initiative at \$200,000.  
He proposed fully funding the flag preservation at \$5,600  
He proposed not funding the Historic Districts signs until the Historic District Committee members coordinate with the Village District Committee members to prevent having a confusing array of signs.  
He proposed funding Leary Field at \$129,000 bonded over 5 years. He feels seniors support Leary Field for indirect reasons as many attend games played by their grandchildren and many support it as a greater yield from our municipal resources.  
He proposed fully funding the Morrison Farm Master Plan before tackling the field issue  
He proposed not funding the Bendig's barn proposal.  
He proposed funding the skateboard park with \$67,000.  
He proposed creating an Administrative Fund of \$45,000

**Susan**

She proposed fully funding the ARRT at \$170,000. (She had accidentally omitted ARRT, and subsequently thought she was putting \$258,000 in the reserve fund).

She proposed funding Willow/Central at \$12,500 - which assumes that the New View fund would be used for the other half.  
She proposed fully funding the Cultural Resource list at \$20,000.  
She proposed funding the Davis Monument up to \$50,000.  
She proposed funding the EAV Green up to \$25,000 to accomplish the creation of Area 1 - Interpretive Depot Plaza.  
She proposed fully funding the Family Housing Initiative at \$200,000.  
She proposed fully funding the flag preservation at \$5,600  
She proposed fully funding the Historic District signs at \$8285.  
- She proposed funding the Leary Field proposal at \$129,000 bonded over 5 years or fully funding the Morrison Farm fields in the funding cycle after the Master Plan is completed, but not both due to their overwhelming impact on the CPA recreation budget; She thinks funding Leary Field makes more sense as one field does the work of four; we gain its additional uses right away; and it's centrally located, etc..  
- She proposed fully funding the Morrison Farm Master Plan.  
- She proposed funding the skateboard park at \$67,000 as requested until she was swayed by Walter's argument that deferring plans to fund the bowl will give them the impetus to continue fundraising.  
- She proposed creating an Administrative Fund of \$35,000.  
- She proposed funding the Bendig's barn proposal at \$48,000 if it were feasible to use John Ryder's suggestion that a loan be made to the owner which must be paid back with interest when the property is sold. Now that she has been made aware of the barn she can see how its restoration would enhance the fabric of Acton Center.  
She proposed \$35,341 be put in the Admin. Fund.

Mimi observed that we are missing Alison's recommendations.

ACTION: Peter B. will contact her and ask her to plug her numbers into Roland's spread sheet.

#### **Public Comment:**

John Ryder invited members of the CPC to attend the next Fin Com meeting on Tuesday, Feb. 10 (Peter agreed to go) to receive feed back or recommendations on projects that have received a preliminary recommendation prior to the CPC's final vote.

John commented that due to the difficulty of managing a large number of projects on one warrant article that he would recommend voting them individually on Town Meeting floor.

ACTION: Susan will ask Chris Saccardi for samples of warrant article language from other towns.

#### **Discussion of the Warrant Article:**

The CPC will put together the warrant article; Walter will set up a meeting with Don MacKenzie, Gim Hom, Walter and the BoS to look at it. (Town Meeting can't vote to spend more, but they can vote to spend less or 0).

- Andy commented that this isn't a political decision - but the committee should know the politics of the town. He would start this process by looking at warrant articles from other towns.

The Fin Com, Selectmen and moderator shouldn't influence the process unless it includes a review of how the CPC is being run. It would be helpful to seek the moderator's advice in advance - to let him know that the committee wants to see what works in other towns. Also, make clear that the money is not fungible.

Nancy Tavernier commented that the Selectmen set up a format of the warrant - they'll take CPC recommendations. She reminded the committee that the idea of one omnibus article is not new. When the town had money, everything was in one article. Each item is discussed, amendments made, and it was voted as a whole. Re: bonding articles - they must be separate as they require a 2/3 vote.

Don MacKenzie's job is to moderate, and he has to obey how the warrant is set up.

Deborah Simes commented that voting on the projects individually could lead to chaos.

Re: Public participation she recommends access to an email distribution list. The committee could have a group email.

Roland said that normally it's not the policy. If one wants to add one's name to our list, one could forward the request to the IT department.

Andy commented that if the whole town wants to be on our email list, that would be ok; give your email address to Roland. Anne Forbes added that the requests are supposed to be in writing.

#### **Discussion about the Administrative Fund**

Walter asked Roland how a \$35,000 administrative fund would be allocated. Roland stated there are 21 meetings/year which Roland attends; he multiplied his hourly rate time 3.5 hours/meeting; there is added time for before and after meeting work; phone calls; 30 minutes clerical time/meeting. In addition, there are the financial aspects, which the Assessor handles such as hours spent on abatements and software consulting, and the additional cost for legal review.

Andy's view toward the admin. costs is that 50% of the funds come from the state - so we are bringing funds to the town through the CPA; half the money is local. In that spirit, the CPC should pay half the administrative cost. Chris commented that \$35,000 is the expenditure the town made. If there's a legal way to give CPA money to general town funds, he would do that too.

#### **Discussion re: Crossing over Community Preservation Categories:**

- Andy stated that he has reservations with the Morrison Farm Master Plan coming under the historical preservation category as the plan is for a parking lot and field.

- Walter commented that the scope of the Morrison Farm Master Plan concerns the Concord Road field, Morrison Farmland; Ice House Pond, and the EAV Green. It's not just about Morrison Farm. When the parking area is built, it will in part service an historic area. The historic landscape will be maintained. In the future there will be acquisition of open space that will fit into "historic."

- Andy commented that the parking lot is 150 spaces. We won't need that many spaces for Ice House Pond or dog walking, etc. - it only is relevant for the soccer fields.

- Walter commented that the Selectmen designated the Morrison Farm Master Plan as Historic Preservation.

- Walter didn't put ARRT under historical preservation. Peter Grover felt that the ARRT should have a historic preservation designation - as the whole corridor is an industrial artifact.

- Anne Forbes agreed that the structure is historic, but if it's paved over, it's not.

- Walter commented that the Selectmen recommended putting ARRT in open space.

- Anne commented that some applications are a mixture of historic preservation, open space, and recreation. Do you make a predetermination on the application's percentage? It's easy to slip historic preservation into many applications even if it is not necessarily true.

- Andy commented that open space can also be difficult to categorize. Bedford has a spread sheet we can look at; we should track this carefully. The CP funds are up to 40% for Recreation, which can sometimes be viewed as open space.

- Andy stated that purchasing land is open space.

- Walter asked, if we build a trail, ride and bike on it, birdwatch, etc., are trails considered open space? In Andy's view building a trail is not saving open space.

**Considerations for next meeting on Feb. 5, 7:30 pm, Town Hall:**

**Next Steps:**

Peter Berry stated that the committee will reach preliminary decisions at the next meeting on February 5. Once the final vote is taken on Feb. 26 the committee will send our warrant article to the BoS and FinCom for review.

Peter asked for suggestions on how to structure the next meeting.

Andy suggested that the committee make another column - for those proposals that are fully funded, and discuss the rest. Peter made a similar suggestion.

A majority vote will carry the proposal.

According to the bylaw, Associate Members will be unable to vote. Andy added that on the ConsCom the Associate Members are no different except for voting.

Chris suggested that the committee take a some time to look at the projects and decide what categories they fall in. This would require going back to the spread sheet.

- Andy suggested looking at the spread sheet where the categories are broken out and a percentage calculation is done.

Roland commented that Town Counsel will give the CPC his opinions on the eligibility of all the projects at the next meeting.

Respectfully submitted: Susan Mitchell-Hardt